

AO 91 (rev.11/11) Criminal Complaint

AUTHORIZED AND APPROVED DATE: s/ Ashley Altshuler 1-27-22

United States District Court

for the

WESTERNDISTRICT OFOKLAHOMA

United States of America

v.

Heriberto Flores,

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Case No: M-22- 56 -SM

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of January 23, 2022, in the county of Oklahoma, in the Western District of Oklahoma, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

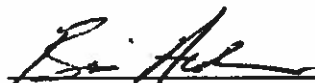
Offense Description

Felon in possession of ammunition,

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Brian Anderson, Bureau of Alcohol, Tobacco, Firearms, and Explosives which is incorporated and made a part hereof by reference.

☐ Continued on the attached sheet.



Complainant's signature

BRIAN ANDERSON

Special Agent

Alcohol, Tobacco, Firearms, and Explosives

Sworn to before me and signed in my presence.

Date: January 27, 2022

City and State: Oklahoma City, Oklahoma



Judge's signature

SUZANNE MITCHELL, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

AFFIDAVIT OF PROBABLE CAUSE
IN SUPPORT OF ARREST WARRANT

I, Brian Anderson, having been duly sworn, depose and state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been since September of 2014. I am currently assigned to the Oklahoma City Field Office. In my capacity as a Special Agent, I am empowered to investigate violations of the laws of the United States and execute warrants issued under the authority of the United States.

2. During the course of my career in law enforcement, I have participated in and have received training in criminal investigations involving violations of federal firearms laws. I have used a variety of methods when investigating firearms related crimes, including, but not limited to, visual surveillance, witness interviews, the use of search warrants, confidential informants, undercover agents, mobile tracking devices, and consent searches.

3. I am familiar with the facts and circumstances of the investigation set forth below based on my personal investigation, discussions with other law enforcement personnel, and my review of records and documents relating to this investigation. The

information in this Affidavit is presented for the limited purpose of seeking a Federal Complaint and arrest warrant for **HERIBERTO FLORES**, a male with DOB: XX/XX/1993. This Complaint and arrest warrant are being sought for a violation of 18 U.S.C. § 922(g)(1).

PROBABLE CAUSE

4. On or about January 23, 2022, members of the Oklahoma City Police Department (OCPD) were assigned to a gun show, which was being held at the Oklahoma City Fairgrounds, located at 3001 General Pershing Blvd., in Oklahoma City, Oklahoma County, OK.

5. During the gun show, the assigned officers attempt to identify illegal activities, to include the illegal purchase or sale of firearms.

6. On the aforementioned date, OCPD Officers E. Wooten and M. Klika observed **FLORES**' activities at the gun show. The officers observed **FLORES** walking around the gun show with an unidentified male and female looking at firearms. Based on the officer's training and experience, it was believed that **FLORES** was instructing the unknown female on which firearms to buy.

7. The officers then observed the unknown female completing paperwork regarding the purchase of firearms, or the ATF Form 4473, at a vendor identified as Paul's Pistols. After a short period of time, the unknown female walked away from the vendor's table without any firearms. Officer Wooten spoke with the vendor, Paul's Pistols, and learned that the female, identified as Haley Adkison, was to take possession of the six (6) purchased firearms at the vendor's store in Tulsa, OK.

8. Prior to leaving the gun show, the officers observed **FLORES** at a vendor's table that was selling ammunition. The officers observed **FLORES** purchasing ammunition from the vendor, which was placed into a white plastic bag. The officers then observed **FLORES** exit the gun show with the white plastic bag in his hand.

9. **FLORES** was seen leaving the fairgrounds driving a tan in color Chevrolet pickup truck bearing tag number KZR201, which was determined by OCPD to not be the correct tag for **FLORES'** vehicle. An OCPD patrol car conducted a traffic stop on **FLORES** for failure to signal while turning westbound onto NW 10th St. The traffic stop occurred near the intersection of N Brookline Ave. and NW 10th St. in Oklahoma City, OK. The officer made contact with **FLORES**, who was the sole occupant in the vehicle. During the traffic stop, **FLORES** could not produce a valid driver's license and showed the officer a picture on his cellular phone of a State of California Identification Card.

10. The officer had **FLORES** exit the vehicle and then escorted **FLORES** to the patrol car. **FLORES** then gave the officer verbal consent to search his person. During the search, the officer found a small black plastic item, with a plastic piece that the officer described as being in the shape of a "knife blade" extending from it. When asked about the item, **FLORES** replied, "I think it's for making a gun go faster," or converting a firearm to full auto. **FLORES** then stated that he purchased it from someone at the gun show. In addition, the officer located approximately \$3,500.00 in U.S. Currency in **FLORES'** left front pocket.

11. **FLORES** then gave verbal consent for the officer to search the vehicle, and the officer located the following items:

- One (1) white plastic bag that contained 50 live rounds of assorted .44 caliber ammunition, which was found in the backseat.
- One (1) plastic bag that contained two (2) extended magazines for 9mm and .40 caliber ammunition, which was found in the backseat floorboard behind the driver's seat.


12. The officer conducted a criminal history search through the OCPD Crime Information Unit (CIU) and learned that **FLORES** was a convicted felon out of Los Angeles County, CA, for Assault with Firearm on Person. **FLORES** was placed into custody and transported to the Oklahoma County Detention Center.

13. On January 25, 2022, I conducted a criminal history search through the National Crime Information Center (NCIC) and learned that **FLORES** has at least one prior felony conviction for a crime punishable by a term of imprisonment exceeding one year, specifically, Assault with Firearm on Person in Los Angeles County, CA.

14. On January 25, 2022, Special Agent Brian Anderson, an ATF Interstate Nexus Examiner, examined one (1) live round of .44 Magnum caliber ammunition, which contained the markings "G.F.L. 44 MAGNUM" on the headstamp, that was recovered from **FLORES'** vehicle. Based on the examination and research, it is SA Anderson's opinion that the aforementioned ammunition was not manufactured in the State of Oklahoma, and therefore crossed state lines to reach the State of Oklahoma, and affected interstate commerce.

15. Based on the above facts and circumstances, I submit there is probable cause to believe HERIBERTO FLORES was a prohibited person in possession of ammunition on January 23, 2022, in violation of 18 U.S.C. § 922(g)(1).

FURTHER, YOUR AFFIANT SAYETH NOT.



Brian Anderson
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before me on this 27th day of January, 2022.



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE